



DIRECTIVE: 8.6

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AUTHORITY AND RESPONSIBILITIES OF THE OFFICE OF PROFESSIONAL STANDARDS

AUTHORITY

The **Office of Professional Standards** is a staff section with coordinates and exercises supervision over investigations and complaints or allegations of misconduct against members of the department. Since discipline is a function of command, the responsibility for the conduct of such investigations normally rests within the Chain of Command. However, the **Office of Professional Standards** will be responsible for the following types of cases:

1. All allegations by citizens against departmental personnel
2. All cases referred by the Chief of Police
3. Any allegations against departmental personnel involving any violation of departmental **policy**, which are not suitable to the Summary Punishment process by nature of seriousness or other circumstantial considerations

This section applies to those instances where a violation meets the criteria for "Elevation" in the classification of punishment. (refer to Directive 8.2)

RESPONSIBILITIES

The Office of Professional Standards will:

1. Upon receipt of a complaint from a citizen, fully investigate the complaint



- a. All serious complaints will be recorded and subsequently transcribed verbatim in a standard typed form
- b. Once the serious complaint has been transcribed, the following paragraph will be inserted at the end of the last transcribed paragraph:

“I, _____, of _____, do solemnly swear/affirm that the information contained herein is accurate and true to the best of my knowledge. Further, I acknowledge receipt of a copy of this complaint.”
- c. The complainant will be given a copy of the complaint.

SEAL

Signature of Complainant _____

Signature of Witnessing Official _____

Signature of Investigating Officer _____

Date _____

2. Enter all complaints in the **Office of Professional Standards** Control Log. Spaces will be provided for control numbers, departmental case numbers where applicable; name, rank, badge number, and assignment of the alleged violator; date and time complaint was received or investigation ordered by the Chief of Police; nature of the alleged violation; name of the reporting person, (if sworn, name, rank, and badge number of reporting officer); date and time of all reports submitted relative to the complaint; if suspended, date and time; date and time case is presented to departmental Complaint Hearing Board; date and time of any appeal action on the case. In addition, the **Office of Professional Standards** is required to document and maintain all disciplinary action by subject matter or charge.
3. Safeguard the **Office of Professional Standards** Log, files, and other records in the division. Access to inactive files shall be limited to the Inspector of **Investigative Operations**, the Chief of Police and the City Solicitor. Physical control of inactive files shall be the responsibility of the Inspector of **Investigative Operations** . Access to active files shall be limited to the Chief of Police, the Inspector of **Investigative Operations**, the Commander of the **Office of Professional Standards**, the **Sergeants of the Office of Professional Standards** and the City Solicitor. Other persons may be permitted access to **Office of Professional Standards** records from time to time by order of the Chief of Police upon the advice of the City Solicitor.
4. Be responsible for the expeditious and timely investigation of all complaints
5. Assist in preliminary investigations conducted by other units of the department
 - a. Upon their justifiable request



- b. When the Inspector of **Investigative Operations** concludes that the circumstances warrant elevation in the classification of violation (**refer to Directive 8.2**)
 - c. Conduct an investigation at the request of any member of the department, who upon showing of justification, believes he is threatened by false accusation or the complaint is contrived by ulterior motives. Such persons are permitted to report their situations directly to the Inspector of **Investigative Operations**, without prior knowledge or approval of their immediate superiors. Suspected criminal activity or activity contrary to the regulations so stated in this manual shall be reported in the above manner.
6. It will be the responsibility of the Commanding Officer of the **Office of Professional Standards**, or his designee, to notify the Chief of Police, or his designee, as soon as possible under the following circumstances:
- a. Any incident where the possibility exists that an officer may face criminal prosecution
 - b. Any police action, where there is an allegation of misconduct which may result in public dissemination of the complaint and/or the possibility of public inquiry or discredit
7. The Commanding Officer of the **Office of Professional Standards**, or his designee, will inform the Chief of Police, or his designee, of all other complaints of police misconduct through the normal chain of command

NOTE: The Commanding Officer of the Office of Professional Standards has the authority to report directly to the Chief of Police without prior notification.

REVIEW OF COMPLAINTS

The **Office of Professional Standards** will review complaints and classify each complaint as substantiated, unsubstantiated, unfounded, proper conduct, or policy failure according to the following criteria:

Substantiated: There is sufficient proof to confirm the allegation by a preponderance of the evidence. In any case where a complaint against an officer is not substantially refuted by opposing facts or testimony and the **Office of Professional Standards** investigator determines that conflicting versions of the allegations cannot be resolved without resort to the taking of live testimony to test the credibility of the witnesses, then the complaint shall be deemed substantiated for purpose of referring it to a Complaint Hearing Board for a hearing.

Unsubstantiated: There is insufficient proof to confirm the allegation

Unfounded: The allegation is either demonstrably false or there is no credible evidence to



support it

Proper Conduct: The officer is exonerated, in that he conducted himself in the manner alleged, but was within policy guidelines

Policy Failure: A review by the **Office of Professional Standards** will be made to determine if the policy is proper or improper, or if additional training is required

SUBSTANTIATED COMPLAINTS

After a complaint has been classified as “substantiated,” the **Office of Professional Standards** will:

1. When the action recommended to the Chief of Police falls under the provisions of the Summary Punishment Section, the **Office of Professional Standards** will be notified in writing, and will inform the accused. From the time of his being informed, the accused will have twenty-four (24) hours to waive or exercise his right, in writing, to a departmental hearing.
2. Upon receipt of a written notice from the accused that he is requesting a Complaint Hearing Board, a report will be **forwarded** to the Inspector of **Investigative Operations** requesting the convening of a Complaint Hearing Board.
3. Upon receipt of a written notice from the accused, that he is waiving his right to departmental Complaint Hearing Board, a report will be forwarded to the Inspector of **Investigative Operations**, with specific recommendations, for approval or revision. (See Summary Punishment **Directive 8.9**).

GENERAL INFORMATION

All internal investigations of departmental personnel will be conducted in such a manner as to safeguard the rights of all parties involved.

When an internal investigation involves administrative issues related to duty performance, the employee(s) may, or may not, be required to participate in the following:

1. medical or laboratory examinations
 - a. can be administered as per the substance abuse policy (directive 6.43)
2. photographs
 - a. if a photo identification of an officer is needed, a photo book of all members of the Department is maintained in the **Office of Professional Standards**
3. line up
 - a. officers are not required to participate in a physical line-up



4. financial disclosure
 - a. officer are not required to submit a financial disclosure statement (Police Officers Bill of Rights)

